

**First Regular Session
Seventy-Seventh General Assembly
STATE OF SAN ANDREAS**

ENGROSSED

LLS NO. 26-0716.02 Amirah Vasquez x2851

HOUSE BILL 26-011

SENATE SPONSORSHIP

Petty

HOUSE SPONSORSHIP

Mendoza, Howell, Schneider

House Committees

Senate Committees

Judiciary

Not assigned

A BILL FOR AN ACT

CONCERNING CODIFYING VALID DEFENSES FOR HOMICIDE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <https://saleg.uscgov.com>)

This bill reintroduces and clarifies statutory affirmative defenses applicable to homicide offenses by establishing a unified legal framework governing claims of self-defense and insanity. The bill is intended to ensure consistent application of the law, clarify evidentiary standards, and reaffirm that the burden of proving criminal intent remains with the prosecution once an affirmative defense is properly raised.

**Shading denotes HOUSE amendment. Underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.**

The legislation creates a new article within Title 11 of the San Andreas Revised Statutes outlining the standards under which affirmative defenses may be asserted in homicide cases. The bill codifies the legal standard for self-defense, including the reasonable belief requirement and duty to retreat outside one’s dwelling, and clarifies that a defendant’s failure to remain at the scene of an incident does not automatically invalidate a self-defense claim.

Instead of requiring a defendant to remain at the scene, the bill establishes a mandatory reporting requirement requiring individuals asserting self-defense to notify law enforcement or emergency services as soon as reasonably practicable following the incident, unless doing so would create additional danger or prevent necessary medical treatment. Failure to report or cooperate may be considered by a fact finder when evaluating credibility but does not bar the defense if the prosecution cannot prove criminal culpability beyond a reasonable doubt.

The bill also codifies the insanity defense standard for homicide offenses, providing that individuals who, due to a severe mental disease or defect, were unable to appreciate the nature or wrongfulness of their actions may be found not guilty by reason of insanity and committed for treatment under existing law.

1 *Be it enacted by the General Assembly of the State of San*
2 *Andreas:*
3 **SECTION 1. SHORT TITLE.** This act shall be known and cited
4 as the “Defense Clarification Act.” **SECTION 2. LEGISLATIVE**
5 **FINDINGS AND INTENT.** (a) Findings. The Legislature finds
6 that current state statutes defining the various classifications of
7 murder and homicide lack a unified and clearly articulated
8 framework for valid affirmative defenses, particularly concerning
9 the fundamental rights of self-defense and the established legal
10 principle of insanity. This deficiency can lead to inconsistent
11 application of justice and inadequate protection for individuals
12 who acted without criminal culpability. (b) Intent. It is the intent
13 of the Legislature to codify and clarify the available affirmative
14 defenses for all classifications of murder and homicide offenses,

1 ensuring that the burden of proof for criminal intent (mens rea)
2 remains on the prosecution, and that defendants are afforded a
3 clear legal path to acquittal when their actions were justified or
4 resulted from a legally recognized mental incapacity. It is further
5 the intent of the Legislature to clarify that failure to remain at the
6 scene of an incident shall not automatically invalidate a lawful
7 claim of self-defense, provided that timely reporting requirements
8 are satisfied. **SECTION 3. ENACTMENT OF ARTICLE 10 —**
9 **DEFENSES TO HOMICIDE.** A new article is hereby added to
10 Title 11 of the San Andreas Revised Statutes, to be designated as
11 Article 10. TITLE 11, ARTICLE 10 IS HEREBY CREATED AS
12 FOLLOWS: §2.11.10 — Affirmative Defenses to Homicide
13 Charges. (a) An affirmative defense may be raised by a defendant
14 upon presentation of some credible evidence supporting the
15 defense. Upon such showing, the prosecution shall bear the
16 burden of proving beyond a reasonable doubt that the defendant
17 did not act under a legally recognized affirmative defense. (b)
18 Self-Defense (Justifiable Homicide). (I) A person is justified in
19 using force, including deadly force, when the person reasonably
20 believes such force is necessary to protect themselves or another
21 from the imminent use of unlawful force. Reasonableness shall be
22 evaluated from the perspective of a reasonable person in the
23 defendant’s circumstances, including prior knowledge of threats
24 or violence. (II) A person has a duty to retreat only where safe
25 retreat is reasonably available and known to the defendant at the
26 time, except when the person is within their dwelling or place of
27 lawful residence. (III) A person asserting self-defense shall make
28 reasonable efforts to notify law enforcement or emergency
29 services as soon as practicable following the incident when it can
30 be done safely. Failure to provide notification shall not bar
31 assertion of self-defense but may be considered by the finder of
32 fact solely for purposes of credibility. (IV) Nothing in this section
33 shall be construed to compel a defendant to provide statements in

1 violation of constitutional protections against self-incrimination.
2 (V) A person may use lawful defensive force to protect a third
3 person where the defendant reasonably believes the third person
4 would be justified in using such force. (c) Defense of Insanity
5 (Lack of Mens Rea). (I) It shall be an affirmative defense that, as
6 a result of a severe mental disease or defect, the defendant lacked
7 substantial capacity either to appreciate the wrongfulness of their
8 conduct or to conform their conduct to the requirements of law.
9 (II) Procedure. If the defense of insanity is raised, the court shall
10 follow existing statutory procedures concerning notice,
11 examination by court-appointed experts, and disposition upon a
12 finding of “not guilty by reason of insanity” (NGRI). A finding of
13 NGRI shall result in commitment to a state mental health facility
14 for care and treatment, as prescribed by existing law. (d) Courts
15 shall provide standardized jury instructions explaining the burden
16 of proof applicable to affirmative defenses and clarifying that the
17 prosecution retains the ultimate burden of disproving the defense
18 beyond a reasonable doubt. (e) In evaluating conduct following an
19 incident, the trier of fact may consider the effects of shock, fear,
20 injury, or psychological trauma on the defendant’s actions or
21 reporting behavior. — close citation, end of amendments —
22 **SECTION 4. EFFECTIVE DATE.** Act subject to petition —
23 effective date. This act takes effect at 12:01 a.m. on the day
24 following the expiration of the ninety-day period after final
25 adjournment of the General Assembly; except that, if a
26 referendum petition is filed pursuant to Article II, Section 15 of
27 the state constitution against this act or an item, section, or part of
28 this act within such period, then the act, item, section, or part will
29 not take effect unless approved by the people at the general
30 election to be held in November 2026 and, in such case, will take
31 effect on the date of the official declaration of the vote thereon by
32 the Governor.